

JMS:DEL/JKW
F. #2020R000851

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

21-MJ-1420

DAVE AUGUSTIN, also known as
“David Rich” and “Juice,” and
RICHLER MORETTE, also known as
“Breezy,”

(18 U.S.C. § 922(g)(1))

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

JAMES GRZELAK, being duly sworn, deposes and states that he is a Task Force Officer with the United States Department of Homeland Security, Homeland Security Investigations (“HSI”) and the New York City Police Department (“NYPD”), duly appointed according to law and acting as such.

On or about December 17, 2021, within the Eastern District of New York and elsewhere, the defendants DAVE AUGUSTIN, also known as “David Rich” and “Juice,” and RICHLER MORETTE, also known as “Breezy,” each knowing that he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly and intentionally possess in and affecting interstate or foreign commerce firearms, to wit, one .9mm Glock 19 semiautomatic pistol and one .9mm Beretta semiautomatic pistol, and ammunition.

(Title 18, United States Code, Section 922(g)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a Task Force Officer with HSI's Violent Gang Task Force ("VGTF") and a member of the NYPD for thirteen years. As a member of the VGTF, I am assigned to investigate gangs and other criminal organizations and crimes in which they are engaged. In this capacity, I have been involved in the investigation of numerous cases involving the recovery of firearms and ammunition.

2. I am familiar with the facts and circumstances set forth below from personal knowledge; my review of documents, records and reports, including the defendants' criminal history record; and reports of other law enforcement officers involved in the investigation. Unless specifically indicated, all conversations and statements described in this affidavit are related in sum and substance and in part only.

3. DAVE AUGUSTIN maintains, among other accounts, an Instagram account with the username "JUICEELEVATOR" (the "AUGUSTIN Instagram Account"). Based on my review of images posted to the AUGUSTIN Instagram Account as compared with known law enforcement photographs of AUGUSTIN and my personal knowledge of AUGUSTIN's appearance, AUGUSTIN is the user of this account. A review of information collected from AUGUSTIN's cell phone pursuant to a judicially authorized search warrant confirms that conclusion.

4. On or about December 17, 2021, at approximately 12:15 a.m., law enforcement officers observed a publicly available post made by the AUGUSTIN Instagram

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

Account, which depicted AUGUSTIN in an apartment holding two firearms —a brown-colored handgun which appeared to be a Glock and an older model, black and silver handgun. I recognize AUGUSTIN from having interacted with him and by comparison to known law enforcement photographs.

5. Approximately one hour later, law enforcement agents observed a post by another Instagram account user (“PERSON-1 Instagram Account”), known to be an associate of AUGUSTIN. The identity of the user of the PERSON-1 Instagram Account is known to law enforcement officers based on a comparison of profile photos and other photos on the account to known law enforcement photographs. The post included the message: “AIR BNB TONIGHT ALL BADDIES DM ME LET’S GO VIRAL TONIGHT.”

6. In a separate post by the PERSON-1 Instagram Account dated December 17, 2021, RICHLER MORETTE is depicted with a brown-colored handgun in the front left pocket of his jeans. The firearm appears to be the same firearm as AUGUSTIN was depicted holding in the December 17 post described above.

7. In the late hours of December 16 into the early morning hours of December 17, 2021, more than fifteen photos and videos were posted by AUGUSTIN Instagram Account and the PERSON-1 Instagram Account depicting AUGUSTIN, MORETTE and others in the same apartment. The firearms are visible in several of the posted photographs and videos.

8. According to information provided by Airbnb to law enforcement officers, AUGUSTIN rented a specific apartment on Loring Avenue in Brooklyn, New York through Airbnb from December 16, 2021 to December 18, 2021 (hereinafter, the “Apartment”). The Airbnb reservation for the Apartment was made in AUGUSTIN’s name. The reservation also

listed a date of birth that matches AUGUSTIN's date of birth, according to his criminal history records.

9. Law enforcement officers located the Apartment on Airbnb's website.

Photographs online depicting the Apartment appear to show the same layout and fixtures as the apartment depicted in the photographs and videos posted by the AUGUSTIN Instagram Account and the PERSON-1 Instagram Account on December 16 and December 17, 2021.

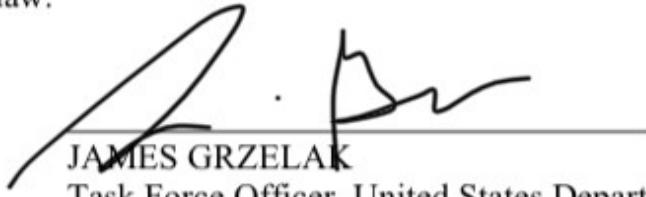
10. On December 17, 2021, law enforcement agents executed a judicially authorized search warrant at the Apartment. When the agents entered the Apartment, they observed AUGUSTIN run from one bedroom ("Bedroom-1") to another ("Bedroom-2"). The agents followed AUGUSTIN to Bedroom-2 and saw him moving toward a chair. The agents apprehended AUGUSTIN and found on top of the chair a brown colored .9mm Glock 19 semiautomatic pistol, which appeared to be the same firearm depicted in Instagram photos described herein. The agents then searched Bedroom-1 and found a black and silver .9mm Beretta semiautomatic pistol, also resembling that depicted in the Instagram photos described herein, underneath the bed. Agents found MORETTE inside a shower in the Apartment, wearing clothing and shoes.

11. I have reviewed AUGUSTIN's criminal history, which revealed that on or about September 13, 2013, AUGUSTIN was convicted of the criminal sale of a firearm in the first degree (the sale of ten or more firearms within one year), in violation of New York Penal Law Section 265.13, a class B felony, and sentenced on that day, to a term of six years' imprisonment and five years' post-release supervision. AUGUSTIN was released to parole on September 27, 2017, and his parole is scheduled to expire in or about November 2022.

12. I also have reviewed MORETTE's criminal history, which revealed that on or about December 12, 2018, MORETTE was convicted of criminal possession of stolen property in the fourth degree, in violation of New York Penal Law Section 165.45, a class E felony.

13. I have conferred with an interstate nexus expert, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, who has informed me, in substance and in part, that the recovered firearms and ammunition were manufactured outside the state of New York.

WHEREFORE, your deponent respectfully requests that the defendants DAVE AUGUSTIN, also known as "David Rich" and "Juice," and RICHLER MORETTE, also known as "Breezy," be dealt with according to law.



JAMES GRZELAK

Task Force Officer, United States Department of Homeland Security, Homeland Security Investigations

Sworn to before me via telephone on this
18th day of December, 2021

Cheryl L. Pollak
THE HONORABLE CHERYL L. POLLAK
CHIEF UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK